

RECORD OF RESOLUTION

Date Presented 04/28/2020

Sponsor Mayor Sandine Ordinance No. 02-20 Date Passed 4/28/2020

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020 AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Lithopolis (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

WHEREAS, Council hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

WHEREAS, Council hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

WHEREAS, Council agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

WHEREAS, The Council's electronic order for Sodium Chloride (Road Salt) will be the amount Council agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

WHEREAS, Council hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period; and

WHEREAS, Council hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

WHEREAS, Council acknowledges that should it wish to rescind this participation agreement it will do so by written. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of Council to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

1. This Resolution is hereby declared to be an emergency measure in that the public peace, safety, health and welfare of the inhabitants of the Village of Lithopolis in that it must be posted to ODOT. This Resolution becomes effective and be in force immediately upon its passage by Council and signing by the Mayor.

Attest/Date: Amandaustin Clerk Signed/Date: [Signature] Mayor 4/28/20

Approved as to form: Jon Browning/per written authority April 29, 2020
Jon M. Browning Amandaustin
Village Clerk

First Reading 4-28-20 Second Reading _____

Revised Second Reading _____ Third Reading _____

VOTE FOR 5 AGAINST 0 1 vacant council seat
(waived rules and approved first reading)